



**Department
of State**

**2022 ANNUAL REPORT:
REAL ESTATE COMPLAINTS**

Pursuant to Paragraph (7) of Section 442-k of the Real Property Law

**FOR SUBMISSION TO:
THE JUDICIARY COMMITTEE OF THE NEW YORK STATE SENATE &
THE JUDICIARY COMMITTEE OF THE NEW YORK STATE ASSEMBLY**

March 2, 2023

**Kathy Hochul
Governor**

**Robert J. Rodriguez
Secretary of State**

INTRODUCTION

The Department of State (the “Department”) submits the following report regarding real estate complaints on behalf of the New York State Real Estate Board (the “Board”), in compliance with paragraph (7) of section 442-k of the Real Property Law (“NY RPL”). Specifically, paragraph (7) requires the Board to submit information regarding the types of complaints the Department has received, the status of cases, and the length of time from the initial complaint to any final disposition.

COMPLAINTS RECEIVED

In 2022, the Department received 575 complaints against real estate brokers and salespersons. The range of allegations include but are not limited to: failure to disclose the broker or salesperson’s agency status; retaining a rental or other security deposit as an unearned commission; housing discrimination; and general acts of untrustworthiness and incompetency.

STATUS OF CASES

In 2022, the Department completed 636 investigations against real estate brokers or salespersons; some of these investigations were commenced prior to 2022. Following investigation, 567 cases were closed for reasons including, but not limited to: Complaint Withdrawn, No Violation of Law, No Jurisdiction, , Dispute Resolved and Civil Litigation Pending. Of the 636 investigations completed, 69 were referred to the Department’s Office of General Counsel with the recommendation to commence formal disciplinary proceedings.

LENGTH OF TIME TO FINAL DISPOSITION

The Department closed complaints in an average of 362 days. Actual cycle time for each complaint varies on a case-by-case basis due to factors such as the complexity of the subject-matter, the volume of records required for review, and the degree of cooperation received from potential witnesses.